IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4391 OF 2005

Mirabai Wife of Kanayalal
Sabhandasani & Ors. ..Petitioners.

Vs.

Ulhasnagar Municipal Corporation
& Ors. ..Respondents.

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Mr.M.D.Angal for the Petitioners.

Mr.C.J.Sawant, Senior Advocate with Mr.Vijay Patil for Respondent Nos.1 and 2.

Mr.P.R.Arjunwadkar for Respondent No.4.

Mr.P.P.Kakade, AGP for the State.

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CORAM : A.P.SHAH,

DR.D.Y.CHANDRACHUD, JJ.

12th July, 2005.

P.C. :

1. We have heard the parties. The dispute relates to the construction upon Plot No.93, Section 6-A, Ulhasnagar. It appears that on a complaint made by the Petitioners, a stop work

notice was issued by Respondent No.1 Corporation. The order of stop work was challenged by Respondent No.4 by filing Special Civil Suit No. 86 of 2005 and application was made for interim reliefs. On behalf of the Corporation reply was filed to the said application wherein the Corporation inter alia averred as follows :

> "That the main grievance of the Plaintiff in the present suit is that the impugned order has been passed without prior notice and hearing of the Plaintiff. The defendant is hereby withdrawing the letter No.UMC/UD/TP/11/ 00/659 dated 31/3/2005 and to take the action the Defendant will issue fresh notice as per the provision of the Act and hearing will be given to the Plaintiff and only on merit the reasoned and speaking order will be passed."

2. Mr.Sawant, learned counsel appearing for the Corporation stated that the Corporation will issue a fresh notice to Respondent No.4 as per the provisions of the Bombay Provincial Municipal Corporation Act and after granting an opportunity

of hearing to the Petitioners as well as Respondent No.4, pass orders in accordance with law within a period of three months. In case, the order is adverse to Respondent No.4, the same will not be implemented for a period of four weeks from the date of service or communication of the order to Respondent No.4. All contentions on merits are left open to the parties. The Petition stands disposed of.